

REMARKS

In the Office Action, the Examiner rejected claims 1-9, 11-15, 17-28, and 31-33. By this Response, claims 32 and 33 have been amended to further clarify the claimed subject matter. Upon entry of these amendments, claims 1-9, 11-15, 17-28, and 31-33 will remain pending in the present application. Applicants respectfully request reconsideration of the rejections and allowance of the pending claims.

Claim Objections

In the Office Action, the Examiner objected to claims 32 and 34. However, as there is not a claim 34 in the present application, Applicants believe the Examiner intended to object to claims 32 and 33. Particularly, the Examiner indicated that it was unclear whether Applicants intended claims 32 and 33 to depend from claim 21 or claim 31. As indicated above, Applicants amended claims 32 and 33 to correct a clerical error and to clearly indicate that these claims depend from claim 31. In view of these amendments, Applicants respectfully request the Examiner withdraw the objection to the claims.

Rejections Under 35 U.S.C. §§ 102 and 103

In the Office Action, the Examiner rejected claims 12-15, 19, 21, and 31-33 under 35 U.S.C. § 102(a) as being anticipated by Fuhr. Further, the Examiner rejected claims 1-9 and 11 under 35 U.S.C. § 103(a) as obvious over Fuhr in view of Dahlberg et al. The Examiner also rejected claims 17, 18, 20 and 22-28 under 35 U.S.C. § 103(a) as being unpatentable over Fuhr. Applicants respectfully traverse these rejections. Additionally, in view of the earlier date of invention of the subject matter disclosed and claimed in the present application, Applicants elect to remove the Fuhr and Dahlberg et al. references pursuant to 37 C.F.R. § 1.131.

Under Rule 131, Applicants may overcome a prior art rejection by filing an appropriate declaration that establishes invention of the claimed subject matter by Applicants prior to the effective date of the reference relied upon in the rejection. Prior invention may be shown either by proving actual reduction to practice prior to the effective date of the reference or by proving conception of the invention prior to the effective date of the reference coupled with reasonable diligence from prior to the effective date of the reference to a subsequent reduction to practice.

Accordingly, Applicants submit the enclosed Rule 131 Declarations of inventors Ligy Kurian, James A. Jensen, and Paul L. Drew pursuant to Rule 131 ("the Rule 131 declarations"), signed by the inventors of record, to demonstrate that the invention disclosed and claimed in the present application was conceived prior to the effective date of the Fuhr and Dahlberg et al. references coupled with reasonable diligence from prior to the effective date of these references to the subsequent reduction to practice. Further, Applicants also submit the enclosed Rule 131 Declaration of Tait R. Swanson, Applicants' legal representative, as further evidence of reasonable diligence in reducing the claimed subject matter to practice.

Although Applicants submit that the cited references most likely have later effective dates, the effective date of the Fuhr reference is no earlier than July 1, 2000 and the effective date of the Dahlberg et al. reference is no earlier than June 1, 2000. In paragraph 3 of the attached Rule 131 Declarations executed by the inventors, the inventors declare that the subject matter disclosed and claimed in the above-referenced application was conceived at least as early as May 4, 2000, which is clearly prior to the effective dates of both the Fuhr and Dahlberg et al. references. Applicants further submit that Exhibit A, along with the corresponding Rule 131 Declarations, is sufficient to demonstrate conception of the claimed subject matter at least as early as May 4, 2000. The drawing of Exhibit A illustrates a wireless communication system as set forth in the claims of the above-referenced application. The illustrated features clearly demonstrate conception of the

features set forth in the instant claims. Moreover, the drawing of Exhibit A is dated May 4, 2000.

As indicated by paragraph 4 of the attached Rule 131 Declarations executed by the inventors, the inventors declare that the invention disclosed and claimed in the present application was reduced to practice at least as early as August 16, 2000, the filing date of the above-referenced application (i.e., constructive reduction to practice). Applicants further submit that the filing receipt for the above-identified application, enclosed herewith as Exhibit B, along with the corresponding Rule 131 Declarations, is sufficient to demonstrate reduction to practice of the claimed subject matter no later than August 16, 2000.

Additionally, as indicated by paragraph 5 of the inventors' attached Rule 131 Declarations, the inventors declare that conception of the invention at least as early as May 4, 2000, was coupled with due diligence until the reduction to practice at least as early as August 16, 2000. *See* Rule 131 Declarations of Inventors, Paragraph 5; Exhibits C-F. Applicants also submit the Rule 131 Declaration of Tait R. Swanson as further evidence of reasonable diligence in reducing the claimed subject matter to practice. Applicants further submit that Exhibits C-F, along with the corresponding Rule 131 Declarations, are sufficient to demonstrate reasonable diligence prior to June 1, 2000 (the earliest possible effective date of the Dahlberg et al. reference), and prior to July 1, 2000 (the earliest possible effective date of the Fuhr reference), until the reduction to practice of the claimed subject matter no later than August 16, 2000. *See id.* Specifically, an electronic communication to the inventors from the Assignee dated April 28, 2000, indicates that counsel had been obtained for preparation of the above-identified patent application. A copy of this communication is provided as Exhibit C. Further, Exhibit D shows billing records of Applicants' representatives who acted with reasonable diligence in the preparation of the present application. As indicated by dated entries from May through August of 2000 in Exhibit D, the Applicants' representatives were diligently preparing the

above-referenced patent application to constructively reduce the claimed invention to practice during the time period beginning immediately before the earliest possible effective date of the Fuhr and Dahlberg et al. references and continuing until the filing of the present application. *See* Exhibit D. Correspondence between Applicants and Applicants' representatives are also provided herewith as Exhibits E and F. This correspondence further evidences the reasonable diligence of Applicants and their representatives in preparing the above-identified application filed on August 16, 2000. *See* Exhibits E and F. Accordingly, in view of the earlier conception and reasonable diligence from immediately before the effective dates of the cited references up until the reduction to practice, Applicants respectfully request that the Examiner remove the Fuhr and Dahlberg et al. references from consideration and withdraw all outstanding rejections based on these cited references.

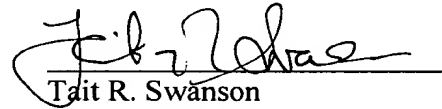
Upon removal of the Fuhr and Dahlberg et al. references, Applicants stress that the pending claims 1-9, 11-15, 17-28, and 31-33 should be in condition for allowance.

Conclusion

In view of the above remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: March 14, 2005


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